

Office of the Secretary of the Interior

§ 12.2

APPENDIX A TO SUBPART F—CONTRACT PROVISIONS

AUTHORITY: 5 U.S.C. 301; 31 U.S.C. 6101 note, 7501; 41 U.S.C. 252a, 701 *et seq*; sec. 505, Pub. L. 104-46, 109 Stat. 419; sec. 307, Pub. L. 104-134, 110 Stat. 1321; E.O. 12549, 3 CFR, 1986 Comp., p. 189; E.O. 12674, 3 CFR, 1989 Comp., 215; E.O. 12689, 3 CFR, 1989 Comp., p. 235; E.O. 12731, 3 CFR, 1990 Comp., p. 306; OMB Circular A-102; OMB Circular A-110; OMB Circular A-128; and OMB Circular A-133.

CROSS REFERENCE: See also Office of Management and Budget notice published at 55 FR 21679, May 25, 1990, and 60 FR 33036, June 26, 1995.

EDITORIAL NOTE: For additional information, see related documents published at 49 FR 24958, June 18, 1984; 52 FR 20178 and 20360, May 29, 1987; 53 FR 8028, Mar. 11, 1988; 53 FR 19160, May 26, 1988; and 53 FR 34474, Sept. 6, 1988.

Subpart A—Administrative and Audit Requirements and Cost Principles for Assistance Programs

SOURCE: 50 FR 6176, Feb. 14, 1985 and 56 FR 45898, Sept. 9, 1991, unless otherwise noted.

§ 12.1 Scope of part.

This part prescribes administrative requirements and cost principles for grants and cooperative agreements entered into by the Department.

§ 12.2 Policy.

(a) All financial assistance awards and subawards, in the form of grants and cooperative agreements, in accordance with paragraph (b) below, are subject to subpart C of this part, OMB Circulars A-102, "Grants and Cooperative Agreements with State and Local Governments," A-110, "Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations," A-87, "Cost Principles for State and Local Governments," A-21, "Cost Principles for Educational Institutions," A-122, "Cost Principles for Nonprofit Organizations," A-128, "Audit Requirements for State and Local Governments, and A-133, "Audits of Institutions of Higher Education and other Nonprofit Institutions," as revised. (The Department's implementation of OMB Circular A-128 is subpart B of this part.)

(b)(1) Governmental recipients and subrecipients are subject to subpart C of this part, Circulars A-87 and A-128.

(2) Institutions of higher education which are recipients or subrecipients are subject to Circulars A-110, A-21, and A-133.

(3) Nonprofit organizations which are recipients or subrecipients are subject to Circulars A-110, A-122, and A-133.

(c) The circulars prescribed by this part published in the FEDERAL REGISTER are made a part of this regulation and include changes published in the FEDERAL REGISTER by OMB.

(d)(1) Federal ethics and conduct regulations contained in 5 CFR part 2635 implement Executive Order 12674, 3 CFR, 1989 Comp., p. 215 (as modified by Executive Order 12731, 3 CFR, 1990 Comp., p. 306), "Principles of Ethical Conduct for Government Officers and Employees," by prohibiting employees from endorsing in an official capacity the proprietary products or processes of manufacturers or the services of commercial firms for advertising, publicity, or sales purposes. The Department's use of materials, products, or services does not constitute official endorsement.

(2) The policy in paragraph (d)(1) of this section applies to a grant/cooperative agreement whose principal purpose is a partnership where the recipient/partner contributes resources to promote agency programs, publicize agency activities, assists in fundraising, or provides assistance to the agency. In the event that such a grant/cooperative agreement is awarded to a recipient, other than a State government, a local government, or a federally-recognized Indian tribal government, and authorizes joint dissemination of information and promotion of activities being supported, the following provision shall be made a term and condition of the award:

GRANT/COOPERATIVE AGREEMENT PROVISION

Recipient shall not publicize or otherwise circulate, promotional material (such as advertisements, sales brochures, press releases, speeches, still and motion pictures, articles, manuscripts or other publications) which states or implies governmental, Departmental, bureau, or government employee endorsement of a product, service, or position which the recipient represents. No release of